UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

JACQUELINE MINION

Plaintiff,	
	Case No. 12-12128
V.	Hon. John Corbett O'Meara
EXEL, INC., et al.,	
Defendants.	

ORDER GRANTING IN PART DEFENDANT'S MOTION FOR REVIEW OF CLERK'S DENIAL OF COSTS

Before the court is Defendant Exel, Inc.'s motion for review of the clerk's denial of costs, filed May 27, 2014. Plaintiff filed a response on June 10, 2014.

Defendant seeks costs as the prevailing party pursuant to Federal Rule of Civil Procedure 54(d). Defendant submitted a bill of costs to the Clerk of the Court on May 19, 2014. Because Defendant did not attach supporting invoices, the clerk denied all costs. Defendant submitted an amended bill of costs in the amount of \$6,192.96.

"Unless a federal statute, these rules, or a court order provides otherwise, costs . . . should be allowed to the prevailing party." Fed. R. Civ. P. 54(d).

Taxable costs, such as fees for transcripts and witnesses, are set forth in 28 U.S.C.

§ 1920. Defendant seeks costs for the transcripts of the depositions of Jacqueline

Minion, Dave Streber, Dennis Bryant, Dave Cavender, Tom VanNocker.

Defendant also seeks costs for the video deposition of Minion, and a Michigan

Circuit Court hearing. Portions of the transcripts of the Minion, Streber, Cavender,

and VanNocker depositions and the Circuit Court hearing were used in support of

Defendant's motion for summary judgment and were "necessarily obtained for use

in the case." 28 U.S.C. § 1920(2). The cost of videotaping Minion's deposition is

also taxable. See BDT Prods. Inc., 405 F.3d 415, 420 (6th Cir. 2005); Tilton v.

Capital Cities/ABC, Inc., 115 F.3d 1471, 1477-79 (10th Cir. 1997). Defendant has

not, however, demonstrated that the Bryant transcript was necessarily obtained for

use in this case. Accordingly, the court will not tax costs for the Bryant transcript

(\$148.80).

IT IS HEREBY ORDERED that Defendant's motion for the review of the

clerk's denial of costs is GRANTED IN PART and DENIED IN PART, consistent

with this order. Defendant is awarded costs in the amount of \$6,044.16.

s/John Corbett O'Meara United States District Judge

Date: July 31, 2014

-2-

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 31, 2014, using the ECF system.

s/William Barkholz Case Manager